



Edgar S. Cooke of Cincinnati, formerly local treasurer of the Big Four railway, was acquitted on the charge of embezzling \$24,000.

General Harrison Gray Otis, editor of the Los Angeles Times made a bitter attack on Theodore Roosevelt because of Roosevelt's references to the dynamiting of the Times building. General Otis concluded his attack in these words:

"If Theodore Roosevelt had been a contemporary of Ananias, Baron Munchausen and Mendez Pinto, those illustrious romancers would have been distanced and would have lost their notoriety. The many colored coat of Joseph was uniform and somber compared with the coloring of the Roosevelt political robe. Of all the Janus-faced, chameleon-hued, upright and down-right fabricators that ever tried the patience of friends and invited the criticism of foes, here, certainly, is the limit. The name 'face-both-ways' is inadequate.

"It will be remembered that he declared solemnly in the east that he had nothing to do with bringing about the independence of Panama, and when he struck the Pacific coast he averred that he and he alone procured the independence of Panama.

"He paused in Arizona long enough to denounce the recall of judges and when he reached California he claimed that the recall was the most desirable of all the reform measures.

"His latest position on the union

labor question, as announced in the last issue of the Outlook, is that of unconditional and abject submission to these monopolies. He sits at the feet of Gompers, casts adoring glances at him and kowtows to the 'labor vote,' which is a delusion, a sham and a bogie man, which no brave man need fear.

"Colonel Roosevelt, disappointed politician and virtuous vaulter, is steadily revising and reversing himself downward."

Suit has been filed at Elkins, W. Va., by Prosecuting Attorney H. G. Kump against the estate of the late Senator S. B. Elkins and his executors for \$1,087,697.90, claimed to be due for taxes and interest on property alleged not to have been listed for taxation.

The merger of the Southern Iron and Steel company and the Alabama Consolidated Coal & Iron company was completed in New York. The new company will have an authorized capital stock of \$27,000,000.

James Proctor Knott died at his home in Kentucky. He became famous in a speech delivered in the national house of representatives in 1871 relating to the city of Duluth, Minn.

An organized effort over the world is being made to avail upon the Canadian authorities not to hang a woman now under sentence of death

in Ontario. An Ashtabula, O., dispatch, carried by the United Press, says: "If for any reason S. B. Whitney of Clinton, Ill., should be prevented from carrying out his offer to be hanged in place of Mrs. Angelina Neapolitano, of Salt Ste. Marie, Ont., who is under death sentence for the murder of her husband, Dr. Alexander Aalto, of this city, announced that he will offer himself as a substitute. Aalto, who is a middle aged bachelor, had taken up the fight here to secure a commutation for Mrs. Neapolitano, who will shortly become a mother, and declares that, if necessary, there is no reason why he should not go to the gallows in her place."

King George V. of Hanover, was formally crowned king June 22.

G. W. Dorsey, formerly a member of congress from Nebraska, died at Salt Lake City.

Governor Marshall of Indiana delivered the commencement day oration at the University of Pennsylvania.

Ferdinand Edmund Duez, receiver for the dissolved religious congregations of France, was convicted by a jury of embezzling \$1,200,000.

The American surgical association will hold the annual convention next year at Montreal. Dr. A. G. Gerster of Columbia university, New York, was elected president.

An international federation of iron and steel workers planned on the lines of the American Steel and Iron Institute, will be advocated by E. H. Gary, chairman of the United States Steel corporation, at the coming international steel conference to be opened in Brussels on July 5.

Robert A. Batty, a prominent democratic lawyer at Hastings, Neb., is dead.

After a tenure of office of something over three months the Monis cabinet in France is to resign.

Lee O'Neill Browne, the "Lorimer democrat," now a member of the Illinois legislature, assaulted Ed Phillips, a reporter for the Chicago Tribune at Springfield. Phillips was badly hurt and required the services of a physician.

Corporations have won another great victory in the federal courts. The merger of the Southern Pacific and Union Pacific railroads has been declared to be legal by the United States circuit court sitting at St. Louis. The Associated Press report of the opinion says: "The government's suit in equity against the Southern Pacific Railroad company to enjoin the continued control of the former by the latter was filed in Salt Lake City, February 2, 1908.

"The bill charged conspiracy and the formation of a combination in violation of the Sherman anti-trust act, passed by congress to protect trade and commerce against unlawful monopolies.

"The defendants named in the case were the Union Pacific, the Oregon Short Line, and Southern Pacific, the Oregon Railroad and Navigation company, the San Pedro, Los Angeles & Salt Lake company, the Atchison, Topeka & Santa Fe, the Northern Pacific, the Great Northern Railway, the Farmers' Loan and Trust company, Edward H. Harriman, Jacob H. Schiff, Otto H. Kahn, James Stillman, Henry H. Rogers, Henry C. Frick and William A. Clark.

"The government's petition was signed by Attorney General Bona-

parte and his special assistants. It sets forth in detail the agreements by which the defendants at times since 1901 were alleged to have secured for themselves and others the management and control of the various defendant roads, their branches and steamship lines and to have ever since operated them in restraint of commerce.

"Since the suit was filed Mr. Harriman and Mr. Rogers have died, Judge R. S. Lovett, successor of Mr. Harriman in the railroad system, was by stipulation made a defendant. Attorney General Bonaparte and Assistant Attorney General Purdy retired from office while the suit was pending. Hearings were held in many cities of the country.

"Arguments were made in the case before Judges Sanborn, Hook, Adams and Vandevanter, now a member of the United States supreme court, October 15, 1910, in St. Paul. C. A. Severance and Frank B. Kellogg argued for the government, Judge P. F. Dunne of California spoke for the Southern Pacific, former Senator John C. Spooner appeared for Henry C. Frick, N. H. Loomis of Omaha for the Union Pacific, and David T. Watson, of Pittsburg, submitted a special brief and argued for all of the defendants. The judges of the Eighth judicial circuit of the United States circuit court had the case under advisement since the arguments.

"The suit was tried in the circuit court under the expedition of congress. An appeal will be made directly to the United States supreme court.

"Judge Hook, in his dissenting opinion refers to the government's complaint of unlawful contract in restraint of trade between the Southern and Union Pacific railroad, thus destroying suppressing competition. He says the combination was effected by the purchase by the Union Pacific of part of the stock of the Southern Pacific road. Judge Hook says there is no substantial difference between the holding of the corporate stocks of two companies by a third, such as was condemned in the Northern Securities case, and the holding by one of those two in the stock of another. He said:

"It would be idle to hold that while two competing railroad companies cannot lawfully submit to a common control through a separate stockholding organization, they may do so by dispensing with that medium. That would be regarding shadows and letting the substance go. The language of the Sherman act in this particular is broad."

"Judge Hook coincides with the majority of the court in regard to the point ownership of the Los Angeles and San Pedro road.

"Judge Hook holds that the question as to whether the Union Pacific and the Southern Pacific roads were competitors, which the majority opinion held to be against the government, was a question of fact to be decided by the testimony of many expert witnesses and these witnesses Judge Hook holds, gave conclusive testimony that 'there was active, vigorous and substantial competition.'

"The dissenting opinion says the decision of the court was on two main grounds:

"First—That the combination of competitive traffic of the two systems was not a substantial percentage of the total traffic; and,

"Second—That trade was not restrained by the combination because the Union Pacific was an intermediate through route, and depended for competitive traffic on connecting carriers which, unaided could not make a through joint rate.

"This decision so greatly narrows the act of congress that very little

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